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REMARKS AND ARGUMENTS

The present Amendment is submitted in response to the non-final Office Action dated March 8, 2010. In the non-final Office Action, the Patent Office rejected Claim 5 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Moreover, the Patent Office rejected Claim 5 under 35 U.S.C. §101 as being directed to non-statutory subject matter. Further, the Patent Office rejected Claims 1-5 as being unpatentable under 35 U.S.C. §103(a) over *Arbuckle* (U.S. Patent No. 5,651,117) in view of PR Newswire, New York State Relies on Sybase to Simplify and Streamline Processing of Death Certificates (hereinafter "EDRS"), and further in view of *Green* (U.S. Patent Application Publication No. 2003/0009418) and *Joao* (U.S. Patent No. 7,305,347).

With respect to the rejection of Claim 5 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention, the Patent Office argues that the limitation "including any insurance companies and the Social Security Administration" is indefinite due to the term "any." Applicant has respectfully amended Claim 5 to define "[[any]] an insurance ~~companies~~ company. . ." Applicant respectfully submits that Claim 5 is now definite and that the amendment to Claim 5 overcomes the rejection thereto based on 35 U.S.C. §112, second paragraph.

The Patent Office further rejected Claim 5 under 35 U.S.C. §101 as being based on non-statutory subject matter. Specifically, the Patent Office argues that Claim 5 is not tied to a particular machine and fails to transform underlying subject matter to a

different state or thing. Applicant respectfully submits that the Amendments to Claim 5 overcome the rejection thereto.

Specifically, Claim 5 has been amended to define, "providing a computer network system implemented on a computer network to inform concerned entities that a person has died wherein the computer network system transmits a death notice from a patient care facility via the computer network to a funeral home. . ." Moreover, Claim 5 has been amended to define, "the funeral home transmitting via [[a]] the computer network system the death notice to concerned entities linked to the funeral home through the computer network. . ." Further, Claim 5 has been amended to define, "transmitting the compensation due to the beneficiary to the beneficiary's deposit account via the computer network system through the computer network." Applicant respectfully submits that the claimed method of steps being carried out via a computer network system through a computer network overcomes the rejection based on 35 U.S.C. §101, as now the claimed steps are tied to a particular machine, i.e. the computer network system performing the steps on a computer network.

Independent Claims 1 and 5 were rejected under 35 U.S.C. §103(a) as being obvious over *Arbuckle* in view of EDRS and further in view of *Green* and *Joao*. More specifically, the Patent Office alleged:

As per claim 1, *Arbuckle* teaches a computer network system used to inform concerned entities that a person has died comprising: various sources which transmit a death notice to a funeral home informing the funeral home of the death of the patient (see column 6, lines 16-22); a funeral home to receive the death notice from the sources, said funeral home being linked by a computer network to concerned entities (see column 8, lines 45-48), note that in some embodiment, the depository is also the funeral home, see column 3, lines 29-35); said concerned entities being linked to said computer network of the funeral home to receive the death notice (see column 8, line 64 – column 9, line 7).

Although Arbuckle is directed to informing any contracting customer of a given death, the reference does not explicitly identify an insurance company nor the Social Security Administration as a contracting customer. However, Green teaches a computer network that links concerned entities including the Social Security Administration (see abstract and paragraph 0024). Joao teaches a computer network that links concerned entities including an insurance company (Figure 1). It would have been obvious to one of ordinary skill in the art at the time of the invention to understand that any type of concerned entity can contract with the depository of Arbuckle. Adding the Social Security Administration and insurance company to the computer network of Arbuckle would not have required modification to the existing systems of Arbuckle, Green, or Joao and the results of the combination would have been predictable.

See Non-Final Office Action dated March 8, 2010, pages 5-6.

With respect to Claim 5, the Patent Office merely alleges, "Claim 5 recites substantially similar method limitations to system claim 1 and, as such, is rejected for similar reasons as given above." See *Id.*, page 7.

Independent Claim 1 has been amended to define that the computer network system further comprises, "a compensation generated by processing the policy on the patient who has died at the insurance company; and a beneficiary deposit account wherein the compensation is deposited into the beneficiary deposit account after the processing of the policy at the insurance company."

Likewise, independent Claim 5 has been amended to define, "transmitting the compensation due to the beneficiary to the beneficiary's deposit account via the computer network system through the computer network."

Support for these amendments can be found throughout the specification, particularly on FIGS. 2 and 3 and at page 7, lines 6-17.

Applicant respectfully submits that neither *Arbuckle* nor any of the other cited references teach or even remotely disclose these elements, as defined by amended

independent Claim 1 and 5. Specifically, *Arbuckle* merely discloses a "system for disseminating obituaries by a depository that monitors reports of death and selectively transmits some of them to persons who have contracted beforehand with the depository to be notified of certain deaths when report of them is received." See *Arbuckle* Abstract. Nothing in *Arbuckle* remotely teaches or discloses "a compensation generated by processing the policy on the patient who has died at the insurance company; and a beneficiary deposit account wherein the compensation is deposited into the beneficiary deposit account after the processing of the policy at the insurance company," as defined in amended Claim 1. Moreover, nothing in *Arbuckle* remotely teaches or discloses "transmitting the compensation due to the beneficiary to the beneficiary's deposit account via the computer network system through the computer network," as defined in amended Claim 5. Indeed, *Arbuckle* merely notifies individuals or entities when someone has died. *Arbuckle* merely discloses a disseminating depository, without including any action to be carried out on this information, nor disclosing any return action from a contacted entity. Specifically, amended Claims 1 and 5 provide for the depositing or transmitting of compensation based on an insurance policy into a beneficiary's deposit account based on the transmission of the death notice to the insurance company.

None of the other cited references teach or remotely disclose the missing elements as defined in amended Claims 1 and 5. Therefore, neither *Arbuckle* nor any other reference, taken singly or in combination, teaches or suggests depositing or transmitting compensation based on an insurance policy into a beneficiary's deposit account based on the transmission of the death notice to the insurance company.

Moreover, a person of ordinary skill in the art would never have been motivated to modify *Arbuckle* in the manner suggested by the Patent Office in formulating the rejections under 35 U.S.C. §103(a).

With the analysis of the deficiencies of *Arbuckle* and the other references in mind, no reason or suggestion in the evidence of record exists why one of ordinary skill in the art would have been led to modify *Arbuckle* in the manner suggested by the Patent Office in formulating the rejection under 35 U.S.C. §103(a). Therefore, *prima facie* obviousness has not been established by the Patent Office as required under 35 U.S.C. §103(a).

It is submitted that the question under §103 is whether the totality of the art would collectively suggest the claimed invention to one of ordinary skill in the art. *In re Simon*, 461 F.2d 1387, 174 USPQ 114 (CCPA 1972).

Applicant further submits that one having ordinary skill in the art at the time of Applicant's invention would never have been motivated to modify *Arbuckle* in the manner suggested by the Patent Office in formulating the rejections under 35 U.S.C. §103(a).

That elements, even distinguishing elements, are disclosed in the art is alone insufficient. It is common to find elements somewhere in the art. Moreover, most, if not all, elements perform their ordained and expected functions. The test is whether the invention as a whole, in light of the teachings of the references in their entireties, would have been obvious to one of ordinary skill in the art at the time the invention was made. *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1545, 220 USPQ 193 (Fed. Cir. 1983).

Applicant submits that the Patent Office has merely located components of Applicant's claimed invention. However, that the art discloses components of Applicant's claimed invention, either separately or in combination, is insufficient. A teaching, suggestion or incentive must exist to make the modification made by the Applicant. *Interconnect Planning Corp. v. Feil*, 774 F.2d 1132, 1143, 227 USPQ 543, 551 (Fed. Cir. 1988).

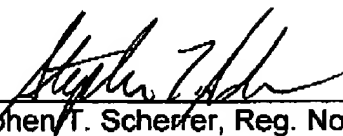
Even assuming that one having ordinary skill in the art could somehow have modified *Arbuckle* as set forth by the Patent Office, the resultant combination still lacks the novel elements positively recited in independent Claims 1 and 5.

In view of the foregoing remarks and amendments, Applicant respectfully submits that the rejection of independent Claims 1 and 5 under 35 U.S.C. §103(a) as being unpatentable over *Arbuckle* in view of EDRS and further in view of *Green* and *Joao* has been overcome and should be withdrawn. Notice to that effect is requested.

Claims 2-4 depend from independent Claim 1. These claims are further believed allowable over the references of record for the same reasons set forth above with respect to their parent claim since each set forth additional elements of Applicant's system.

In view of the foregoing remarks and amendments, Applicant respectfully submits that all of the claims in the Application are in allowable form and that the Application is now in condition for allowance. If, however, any outstanding issues remain, Applicant urges the Patent Office to telephone Applicant's attorney so that the same may be resolved and the Application expedited to issue. Applicant respectfully requests the Patent Office to indicate all claims as allowable to the pass the Application to issue.

Respectfully submitted,


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